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06-25-1986 Justice White, Concurring

Byron R. White
US Supreme Court Justice

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To: The Chief Justice
Justice Brennan
Justice Marshall
Justice Blackmun
Justice Powell
Justice Rehnquist
Justice Stevens
Justice O'Connor

HAB

pp. 1-3

From: Justice White

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4th DRAFT

SUPREME COURT OF THE UNITED STATES

Nos. 85-93 AND 85-428

85-93 P. E. BAZEMORE, ET AL., PETITIONERS
v.
WILLIAM C. FRIDAY ET AL.

85-428 UNITED STATES, ET AL., PETITIONERS
v.
WILLIAM C. FRIDAY ET AL.

ON WRITS OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE FOURTH CIRCUIT

[June —, 1986]

JUSTICE WHITE, with whom THE CHIEF JUSTICE, JUSTICE POWELL, JUSTICE REHNQUIST, and JUSTICE O'CONNOR join, concurring.

We agree with JUSTICE BRENNAN's concurring opinion explaining the Court's reasoning insofar as the Court vacates the decision of the Court of Appeals. We write separately to set forth the Court's rationale in affirming the Court of Appeals with respect to the allegations of discrimination in the operation of 4-H and Homemaker Clubs. Prior to 1965, the Extension Service maintained segregated 4-H and Homemaker Clubs, and it is true that when this suit was started and when judgment was entered there were a great many all-white and all-black clubs. However, it is undisputed that in response to the Civil Rights Act of 1964 the Service discontinued its segregated club policy and opened any club, then existing or newly organized, to any otherwise eligible person regardless of race. The District Court could find no evidence of any discrimination since that time in either services or membership and concluded as a matter of fact that any racial imbalance existing in any of the clubs was the result of